IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.5291 of 2007

Date of Decision: October 12, 2007

Smt.Harbans Rani .....Petitioner

Versus

Punjab Wakf Board, Ambala Cantt. .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.PK Ganga, Advocate for the petitioner.

S. D. ANAND, J.

1. Plaintiff-respondent Punjab Wakf Board filed a suit for the possession of a 128 Square yards plot comprised in khasra No.47/7/2. That suit was decreed in favour of the plaintiff-respondent and against the defendant-petitioner, vide judgment and decree dated 7.12.1995. No appeal whatsoever came to be preferred against that judgment and decree. On account thereof, the judgment and decree dated 7.12.1995 attained finality.

2. The defendant-petitioner resisted the execution of the impugned decree by raising the plea that the property in respect of which the suit had been decreed did not form a part of the land comprised in khasra No.47/7/2 which was in her possession.

3. The learned Trial Court dismissed the objection petition with costs of Rs.1,000/-. That finding was upheld by the learned First Appellate Court on 12.9.2007.

4. The defendant – judgment-debtor is in revision.

5. Mr.PK Ganga, learned counsel for the petitioner, argues that the dis-allowance of the objection petition shall result in travesty of justice inasmuch as the defendant – judgment-debtor would be thereby compelled to vacate the property qua which no decree had been passed.

6. The plea is plainly bereft of merit. As noticed by the learned First Appellate Court, this very controversy (about the identity of the property in suit) had been adjudicated upon at the trial. The plea of defendant – judgment-debtor did not find favour either with the learned Trial Court. Interestingly enough, defendant – judgment-debtor had raised a plea of adverse possession which was not proved at the trial. The defendant- judgment-debtor (petitioner before this Court) cannot be heard to again raise that very controversy (about the identity of the property in suit) which has already been adjudicated upon by the learned Trial Court and which has attained finality.

7. Dismissed.

(S. D. ANAND)
JUDGE

October 12, 2007
SRM

Note: Whether referred to reporter ? Yes/No